

1 ORRICK, HERRINGTON & SUTCLIFFE LLP
KAREN G. JOHNSON-MCKEYAN (SBN 121570)
2 kjohnson-mckewan@orrick.com
ANNETTE L. HURST (SBN 148738)
3 ahurst@orrick.com
GABRIEL M. RAMSEY (SBN 209218)
4 gramsey@orrick.com
405 Howard Street, San Francisco, CA 94105
5 Tel: 1.415.773.5700 / Fax: 1.415.773.5759
PETER A. BICKS (*pro hac vice*)
6 pbicks@orrick.com
LISA T. SIMPSON (*pro hac vice*)
7 lsimpson@orrick.com
51 West 52nd Street, New York, NY 10019
8 Tel: 1.212.506.5000 / Fax: 1.212.506.5151

9 BOIES, SCHILLER & FLEXNER LLP
DAVID BOIES (*pro hac vice*)
10 dboies@bsfillp.com
333 Main Street, Armonk, NY 10504
11 Tel: 1.914.749.8200 / Fax: 1.914.749.8300
STEVEN C. HOLTZMAN (SBN 144177)
12 sholtzman@bsfillp.com
1999 Harrison St., Ste. 900, Oakland, CA 94612
13 Tel: 1.510.874.1000 / Fax: 1.510.874.1460

14 ORACLE CORPORATION
DORIAN DALEY (SBN 129049)
dorian.daley@oracle.com
15 DEBORAH K. MILLER (SBN 95527)
deborah.miller@oracle.com
16 MATTHEW M. SARBORARIA (SBN 211600)
matthew.sarboraria@oracle.com
17 RUCHIKA AGRAWAL (SBN 246058)
ruchika.agrawal@oracle.com
18 500 Oracle Parkway,
Redwood City, CA 94065
19 Tel: 650.506.5200 / Fax: 650.506.7117

20 *Attorneys for Plaintiff*
ORACLE AMERICA, INC.

21 UNITED STATES DISTRICT COURT
22 NORTHERN DISTRICT OF CALIFORNIA
23 SAN FRANCISCO DIVISION

24 ORACLE AMERICA, INC.
25 Plaintiff,
26 v.
27 GOOGLE INC.
28 Defendant.

Case No. CV 10-03561 WHA

**DECL. OF ANDREW D. SILVERMAN IN
SUPPORT OF ORACLE'S RULE 50(b)
MOTION FOR JUDGMENT AS A MATTER
OF LAW**

Dept.: Courtroom 8, 19th Floor
Judge: Honorable William Alsup

1 I, Andrew D. Silverman, declare and state as follows:

2 1. I am a member of the bars of the States of California, New York, and the District
3 of Columbia, admitted to practice before this Court, and an associate with the law firm of Orrick,
4 Herrington & Sutcliffe LLP (“Orrick”), attorneys of record for plaintiff Oracle America, Inc.
5 (“Oracle”). I am familiar with the events, pleadings and discovery in this action and, if called
6 upon as a witness, I could and would testify competently to the matters stated herein of my own
7 personal knowledge. I submit this declaration in support of Oracle’s Rule 50(b) Motion For
8 Judgment As A Matter Of Law.

9 2. Attached as Exhibit A is a true and correct copy of the demonstratives used during
10 the testimony of Douglas Schmidt.

11 3. Attached as Exhibit B is a true and correct copy of the demonstratives used during
12 the testimony of Adam Jaffe.

13 4. Attached is a true and correct copy of admitted Trial Exhibit 1, a Google
14 presentation entitled “Android GPS: Key strategic decisions around Open Source,” dated July 26,
15 2005.

16 5. Attached is a true and correct copy of admitted Trial Exhibit 7, an email string
17 from Tracey Cole to Jenifer (jaustin@google.com), Andy Rubin, and LSA re Sun Meeting, dated
18 September 6, 2005.

19 6. Attached is a true and correct copy of admitted Trial Exhibit 10, an email from
20 Tim Lindholm to Andy Rubin, benlee@google.com, Dan Grove, and Tim Lindholm re Context
21 for Discussion re Alternatives to Java, dated August 6, 2010.

22 7. Attached is a true and correct copy of admitted Trial Exhibit 13, an email string
23 from Brian Swetland to Mathias Agopian, fadden@google.com, arubin@google.com, and
24 joeo@google.com re new java world, dated January 3, 2006.

25 8. Attached is a true and correct copy of admitted Trial Exhibit 14, an email from
26 Andy Rubin to sergey@google.com, Larry Page, LSA, and Alan Eustace re Sun Microsystems,
27 dated January 13, 2006.

28 9. Attached is a true and correct copy of admitted Trial Exhibit 18, an email string

1 from Greg Stein to Andy Rubin re Confidential: The open J2ME project, dated March 24, 2006.

2 10. Attached is a true and correct copy of admitted Trial Exhibit 29, an email string
3 from Andy Rubin to D. Wall and androidcomms@google.com re Android Presence at JavaOne,
4 dated March 24, 2008.

5 11. Attached is a true and correct copy of admitted Trial Exhibit 31, a Google
6 presentation entitled: "Android 101: An introduction to Android and Android Partnerships,"
7 dated December, 2008.

8 12. Attached is a true and correct copy of admitted Trial Exhibit 151, an email with
9 attachment from Steve Horowitz to Andy Rubin re GPS Notes (redacted), dated January 17, 2007.

10 13. Attached is a true and correct copy of admitted Trial Exhibit 158, an email from
11 andyt@google.com to tangjianfeng@chinamobile.com, billwli@google.com, and
12 arubin@google.com re Materials on Google Open Handset OS attaching An Android PowerPoint
13 presentation entitled: "Android: Open Handset Platform," dated September 28, 2006.

14 14. Attached is a true and correct copy of admitted Trial Exhibit 190, an email from
15 Kristen Gil to Andy Rubin, theoc@google.com re Fwd: BOD question, dated October 11, 2010.

16 15. Attached is a true and correct copy of admitted Trial Exhibit 215, an email from
17 Chris DeSalvo to Andy Rubin re Java Class libraries, dated June 1, 2006.

18 16. Attached is a true and correct copy of admitted Trial Exhibit 339, an email from
19 Andy Rubin to Tim Lindholm, Chris DiBona, Frank Montes, Ethan Beard, Rich Miner re Sun
20 Deal Review, dated April 20, 2006.

21 17. Attached is a true and correct copy of admitted Trial Exhibit 405, an email string
22 from Eric Schmidt to Bob Lee and eschmidt@google.com re It was great chatting with you
23 yesterday, dated May 30, 2008

24 18. Attached is a true and correct copy of admitted Trial Exhibit 435, an email from
25 Jonathan.Schwartz@Sun.COM to eschmidt@google.com, Scott McNealy, and
26 Sergey@google.com re (SPAM: 6.58) Java/Linux Mobile Platform, dated April 27, 2006.

27 19. Attached is a true and correct copy of admitted Trial Exhibit 610.1, Java 2
28 Platform Standard Edition Development Kit 5.0 Specification (license.html), dated August 25,

1 2004.

2 20. Attached is a true and correct copy of admitted Trial Exhibit 624, a Google
3 presentation entitled "How to Design a Good API and Why it Matters," dated December 12,
4 2005.

5 21. Attached is a true and correct copy of admitted Trial Exhibit 877, an article
6 entitled "Joshua Bloch: Bumper-Sticker API design," available at
7 <http://www.infoq.com/articles/API-Design-Joshua-Bloch>, dated September 22, 2008.

8 22. Attached is a true and correct copy of admitted Trial Exhibit 951, Google Inc.'s
9 Q3 2010 Earnings Call Transcript, dated October 14, 2010.

10 23. Attached is a true and correct copy of the relevant excerpts of admitted Trial
11 Exhibit 980, a book entitled "The Java Application Programming Interface, Vol. 1 - Core
12 Packages" dated 1996.

13 24. Attached is a true and correct copy of admitted Trial Exhibit 1026, a Sun
14 Community Source License between Sun Microsystems and Danger, Inc., dated August 26, 2003.

15 25. Attached is a true and correct copy of admitted Trial Exhibit 1061, an email chain
16 from Aditya Agarwal to Nicole Dalton re OCQ deck- quick help needed, with attachment, dated
17 October 5, 2010.

18 26. Attached is a true and correct copy of excerpts of admitted Trial Exhibit 3211,
19 Google form 10-k for the fiscal year ending December 31, 2004, dated March 30, 2005.

20 27. Attached is a true and correct copy of admitted Trial Exhibit 5046, an email from
21 sa3ruby@gmail.com to members@apache.org re and what if we accepted the damn FOU
22 restriction?, dated April 17, 2008.

23 28. Attached is a true and correct copy of admitted Trial Exhibit 5114, an email from
24 Andy Rubin to Steve Horowitz re Latest material for CMCC's VP Sha visit Wed morning, dated
25 March 28, 2007.

26 29. Attached is a true and correct copy of admitted Trial Exhibit 5183, a Google
27 presentation entitled "Android OC Quarterly Review - Q1 2009," dated 2009.

28 30. Attached is a true and correct copy of admitted Trial Exhibit 5322, an email from

1 Rich Miner to Andy Rubin re Android announcement at 3GSM, dated October 23, 2006.

2 31. Attached is a true and correct copy of admitted Trial Exhibit 6053, an article from
3 cnbc.com titled "CNBC's Jim Cramer Interviews Google Inc. Chairman & CEO Eric Schmidt,"
4 dated August 15, 2008.

5 32. Attached is a true and correct copy of admitted Trial Exhibit 6446, an excerpt of
6 Google Developers presentation entitled "State of the (Mobile) Developer-go/stateofthedeveloper
7 2015," dated 2015.

8 33. Attached is a true and correct copy of admitted Trial Exhibit 9200, an email from
9 Stefano Mazzocchi to members@apache.org re FYI: Upcoming open letter to Sun, dated April 6,
10 2007.

11 34. Attached is a true and correct copy of admitted Trial Exhibit 9201, an email from
12 Stefano Mazzocchi to members@apache.org re Oracle buys Sun, dated April 20, 2009.

13 35. Attached is a true and correct copy of Trial Exhibit 9214, designations from the
14 deposition of Anwar Ghuloum taken December 9, 2015.

15 36. Attached is a true and correct copy of Trial Exhibit 9226, designations from the
16 deposition of Bob Lee taken August 3, 2011.

17 I declare under penalty of perjury under the laws of the United States the foregoing is true
18 and correct.

19 Executed this 6th day of July, 2016, at New York, NY.

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24 ANDREW D. SILVERMAN
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